

**HAMILTON PLANNING BOARD
SUMMARY OF ZONING BYLAW AMENDMENTS
April 18, 2005**

The Hamilton Planning Board has proposed several zoning bylaw amendments for the Annual Town Meeting. It is the hope of the Planning Board that this article will familiarize voters with these proposals prior to Town Meeting on May 1.

Article 4-1 is the most comprehensive. The article deals with revisions to the current Elder Housing Special District, Section V.E. of the Zoning Bylaw. One of the revisions the Planning Board is recommending is a change in the title, to **Senior Housing Special Permit and Overlay District**, which is a more contemporary title.

As background, in the early 1990s, Wenham used a modified version of the bylaw to permit The Maples, a senior citizen complex on Route 1A. The town of Wenham supported revisions to their elder housing bylaw, in order to accommodate that permitting. Many people in Hamilton have said that they wish Hamilton had a Maples-type housing complex, for several reasons: a housing option for senior citizens, a situation where little maintenance of the home is required and a housing option which contributes to the tax base without the negative impact of providing many municipal services. A new proposal for senior citizen housing is currently being reviewed in Wenham, for a property on Route 1A, which will result in more senior housing in Wenham.

In contrast to Wenham's experience, Hamilton's Elder Housing Special District has gone unused. It has been criticized as being too restrictive and inflexible. The Planning Board is now supporting the revisions to the existing bylaw, in the hope that its changes will attract interest of developers of senior housing. The key changes are as follows:

Reversing the Order: under the current bylaw, an applicant must receive a special permit from the Planning Board first, and then get Town Meeting approval to create a "special" district for the senior housing. The Planning Board proposes reversing that order as to larger senior housing developments and eliminating the second, Town Meeting step for smaller developments, of 34 housing units or less. In both cases, a Special Permit would be required from the Planning Board before senior housing development could occur.

Deleting a section which dictated management of a complex: the current bylaw requires that a senior housing project be managed by the Town, the Housing Authority, or a non-profit. Neither the Town nor the Housing Authority has the capacity to manage such a project, and this "management" connotes a rental situation, not home ownership. Most bylaws do not dictate ownership at all. By eliminating the limitation on form of management, more common ownership structures such as condominiums could be used.

In addition, any larger project built will fall under the **Inclusionary Housing Zoning Bylaw**, approved in May 2005 at Town Meeting, which requires that developments over ten units have an affordable housing component. When the current bylaw was approved in 1986, there were no inclusionary provisions then.

Changing coverage maximum: the coverage max for buildings and impervious area has been changed from 25% to 50%, in order to provide more flexibility, allow for denser developments on appropriate sites, and take into account new technologies.

Adding a Setback from the Property Line: the current bylaw does not specify a setback from the property line for buildings. A 50' setback has been added.

Density: the maximum density has been reduced from 7 units per acre to 6 units per acre.

Rules and Regulations: the regulations in the current bylaw are minimal. The new bylaw provides for comprehensive regulations to be adopted by the Planning Board.

Other Provisions: the revised bylaw provides for performance bonds to secure completion of infrastructure; and adds a provision for off-site improvements, if warranted, to mitigate impact on the infrastructure.

Bridle Trails: a section has been added requiring that bridle paths and trails should be connected, preserved, and increased when possible. This is a part of Hamilton's equestrian history and character, and was not addressed in the original bylaw.

Private Complex or Road Status: a section has been added to ensure that such a private complex will not burden the town with driveway maintenance, plowing, rubbish removal, etc.

A senior citizen housing development in Hamilton would provide a housing option for senior citizens in Hamilton which does not exist today. It would also provide tax revenue to the town, without all of the related expense of conventional subdivision.

Article 4-2 is entitled "**Amendments in Conformity**" with Senior Housing bylaw. If Article 4-2 is approved, then some revisions to other sections of the current bylaw will be required. Some are "housekeeping" items. For example, the definition of "Elderly Housing" defines elderly as over 60 years of age. An amendment is proposed to revise that to 55 years of age.

Article 4-4 is a new zoning bylaw amendment to create **Accessory Apartments** via a Special Permit from the Zoning Board of Appeals. In January, the Planning Board published a series of articles in the Chronicle about accessory apartments and this proposal. Those articles can be read at www.hamiltonma.gov. Response to the articles and the proposed bylaw was positive. This amendment would give homeowners the option to add an accessory apartment to existing buildings under controlled circumstances designed to preserve the community character, while providing revenue to homeowners not now available to them.

The Hamilton Zoning Bylaw currently allows some limited accessory apartments: (i) a Temporary Conversion for In-Law Apartment, (ii) Conversion of a pre-1954 dwelling of 4,000 square feet or more into a two-family dwelling, and (iii) Accessory Apartment on Large Lots (more than 10 acres), to provide for accessory apartments for family/caretakers on large lots. The Accessory Apartment bylaw being considered would result in apartments that would be more broadly available.

The purposes of the Accessory Apartment Bylaw are to provide for a variety of housing choices in Hamilton, and to encourage a more efficient use of existing buildings without substantially altering the appearance and character of residential neighborhoods or the Town.

Article 4-5 calls for amendments to **Site Plan Review**, to increase the number of copies that an Applicant must submit when filing an application.

Article 4-3 has been proposed by a Citizens' Petition to rezone two parcels located on Assessors Map 28, Lots 8 and 27, at 350 and 354 Highland Street, to create a Senior Housing Overlay District at that location. If Article 4-3 is passed, the Applicant may file for a Special Permit from the Planning Board. NOTE: If article 4-1 is approved at Town Meeting, this article will be voted. If Article 4-1 is not approved at Town Meeting, Article 4-3 will be passed over.

The Warrant is available at Town Hall, and on the Town's website at www.hamiltonma.gov

Members of the Planning Board hope that this handout has been informative and that the community will seriously consider these new housing options. Housing for seniors and accessory apartments were specifically mentioned in the Master Plan as necessary alternatives desired by those who participated. The Planning Board is attempting to fill needs expressed by the citizenry.